

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

Deboset

Civil Action No. 2:09-1216

versus

Judge Tucker L. Melançon

Safety National Casualty Corp.

Magistrate Judge C. Michael Hill

ORDER

On July 23, 2009, this matter was removed to this Court from the Fourteenth Judicial District Court in and for the Parish of Calcasieu, State of Louisiana on the basis of diversity jurisdiction. Despite plaintiff's clear stipulation in her complaint that "... her damages, however they arise, do not exceed \$50,000 and Plaintiff will not accept any award above this amount," defendant avers that the amount in controversy exceeds \$75,000 so as to confer jurisdiction on this Court pursuant to Title 28, Section 1332. Defendant premises this assertion on a fundamentally flawed reading of plaintiff's complaint as seeking an injunction forbidding defendant from enforcing any indemnity agreement whatsoever, whether or not plaintiff is a party thereto, during the pendency of this matter. When read as a whole, however, it is clear that plaintiff's complaint seeks only to enjoin the defendant from enforcing the indemnity agreement at the heart of this dispute.¹ Thus, the amount in controversy is far from sufficient to confer jurisdiction upon this Court. Accordingly, upon the Court's *sua sponte* motion, it is

ORDERED that this matter is **REMANDED** to the Fourteenth Judicial District

¹

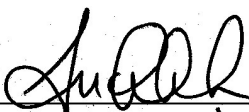
Additionally, plaintiff would lack standing to seek an injunction of all indemnity agreements entered into by defendant.

Court in and for the Parish of Calcasieu, State of Louisiana from which it was removed.

IT IS FURTHER ORDERED that the Clerk of this Court mail a certified copy of this Order of Remand to the Clerk of Court for the Fourteenth Judicial District Court in and for the Parish of Calcasieu, State of Louisiana.

The Court admonishes counsel for the defendant that it has no patience for such specious removals.² *See Hollier, et. al. v. Willstaff Worldwide, Inc.*, Civil Action No. 08-1382. Counsel is further advised that, because of the Court's pro-active review of this removal, an award to plaintiff of attorney's fees was avoided. Had plaintiff filed a motion to remand and sought attorney's fees, the Court would have been inclined to grant the motion.

THUS DONE AND SIGNED this 4th day of August, 2009 at Lafayette, Louisiana.



Tucker L. Melançon
UNITED STATES DISTRICT JUDGE

² This case is identical to civil action number 2:09-1221 which was also removed by the defendant on July 23, 2009.